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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jessica M. Barnes

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EXAMINER

SALIARD, SHANNON S

ART UNIT	PAPER NUMBER
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3628

MAIL DATE	DELIVERY MODE
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10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/893,240

Applicant(s)

BARNES ET AL.

Examiner

Shannon S. Saliard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-14, and 23-26 is/are rejected.
- 7) ☐ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Applicant has not amended any claims. Claims 15-22 have been cancelled. No new claims have been added. Thus, claims 1-14 and 23-26 remain pending and are presented for examination.

Response to Arguments

2. Applicant's arguments filed 02 August 2007 have been fully considered but they are not persuasive.

3. Applicant argues (with respect to claims 1-3, 5-9, 12-13) that Mann et al does not disclose, "entering information identifying the passenger a second time into a computer before departure". However, Examiner disagrees. Mann et al discloses, "When the user or patron wishes to attend the event or use the transit system or the like, the user or patron will enter one of the turnstiles 102 and submit to a biometric scan. The biometric scanners in turnstiles 102 will capture a real time stable physical characteristic image (such as an iris pattern) directly from a person; encode the image; and compare the encoded image to stored physical characteristic data in database 106. If the captured image is not recognized as corresponding to any of the stored data access is denied and the user or patron is directed to seek assistance from onsite personnel, or through an intercom or video conference system" [col 5, lines 45-57]. Mann et al further discloses, "Each turnstile 102 may further include a turnstile barrier mechanism 122 at the exit point of turnstile 102. The preferred embodiment for mass transit and stadium

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applications would include such a barrier mechanism 122 to enhance crowd control and minimize requirements for monitoring and security personnel. However, for airplane loading and other applications where an attendant will be present at the entry point, the barrier mechanism may be omitted. In fact, in such applications where space is at a premium and other security measures are already in place, the walls defining first passage portion 114 and second passage portion 116 may be omitted so that turnstile 102 is an identification station effectively consisting only of biometric sensors 112 and associated indicating, signaling, computer, and communications components" [col 7, lines 26-40]. Mann et al further discloses, "A preferred process for implementing the system in an air travel application is shown in FIG. 6. To make a reservation, the user first identifies himself or herself as a registered customer using an account number or other identifying information, such as name and address, or preferably a biometric scan, as shown in Block 602. Next, the reservation information is received (Block 604) and the reservation information is recorded in conjunction with identification of the relevant user account (Block 606). Upon arrival at the airport, the user will be scanned at a biometric scanning station (Block 608). In block 610, the identity of the passenger is matched to the user account under which the reservations were made...the system may be used in a manner which substantially eliminates the issuance of tickets and boarding passes, based on scanning and verification of user identity at each stage" [col 17, lines 1-20].

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Thus, Mann et al teaches that at a point before entry to an event identifying information is captured from a passenger a second time for verification against the originally obtained identifying information.

4. In response to applicant's argument (with respect to claims 23-24) that there is no suggestion found in the cited prior art to combine the references, even if the references in the instant case do not expressly suggest the specific combination claimed by the inventor, an assertion which the examiner contests, the courts have stated "to support [a] conclusion that claimed combination is directed to obvious subject matter, references must either expressly or impliedly suggest claimed combination or examiner must present convincing line of reasoning as to why artisan would have found claimed invention to have been obvious in light of references' teachings." *Ex parte Clapp*, 227 USPQ 972, 973 (BdPatApp&Int 1985). Furthermore, The Courts have already established that "[h]aving established that this knowledge was in the art, the examiner could then properly rely, as put forth by the solicitor, on a conclusion of obviousness 'from common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference.'" *In re Bozek*, 163 USPQ 545, 549 (CCPA 1969). For example, in this case, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to check the passenger's identity multiple times, notify immigration or customs, as taught by Sweatte, for the benefit of letting airline and security personnel know when an unexpected or unwanted event or person is in the system.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. **Claims 1-3, 5-9, and 12-13** are rejected under 35 U.S.C. 102(a) as being anticipated by Mann et al (6,119,096).

As per **Claim 1**.

Mann et al ('096) discloses:

entering information identifying the passenger a first time into a computer interface, see figure 12 (202);

recording a first electronic image of the passenger, see figure 12 (204);

comparing a prior image of the passenger to the first image, see figure 6 (610);

sending information identifying the passenger to a government or government agent in a destination country, see column 6, lines 44-49, and column 8, lines 52-54;

entering information identifying the passenger a second time into a computer interface before departure and verifying an identity of the passenger, see figure 6

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(612); recording a second electronic image of the passenger, see figure 6 (616); comparing the second image to a prior image of the passenger, See figure 6 (616); and routing the passenger in accordance with the data and an instruction from the government or government agent, see figure 1 b (124, 126).

As per **Claim 2.**

Mann et al ('096) further discloses the first electronic image is recorded in an originating country, see column 5, lines 3-18.

As per **Claim 3.**

Mann et al ('096) further discloses the first electronic image is transmitted to a destination country, see column 6, lines 28-57.

As per **Claim 5.**

Mann et al ('096) further discloses the electronic image is selected from a group consisting of a photograph, a fingerprint an iris scan and a voiceprint, see column 5, lines 2-18.

As per **Claim 6.**

Mann et al ('096) further discloses the entering of flight information for the passenger into the computer interface, see column 16, lines 56-65.

As per **Claim 7**.

Mann et al ('096) further discloses retrieving data of passengers scheduled for a flight from a first computer memory and storing the data in a second computer memory, see column 16, line 56 - column 17, line 20 and column 6, lines 28-57.

As per **Claim 8**.

Mann et al ('096) further discloses the comparing is performed by a computer with software selected from the groups consisting of feature recognition software, voice recognition software and facial recognition software, see column 5, lines 2-18.

As per **Claim 9**.

Mann et al ('096) further discloses taking a subsequent image of the passenger and comparing the subsequent image to the first electronic image, and routing the passenger according to the result of a comparison of the first electronic image and the subsequent image, see figure 6 (610, 616).

As per **Claim 12**.

Mann et al ('096) further discloses giving the passenger notice of an instruction of the government or government agent, see figure 1b (124, 126).

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As per **Claim 13**.

Mann et al ('096) further discloses no instruction is received from the government and the passenger is not required to process through customs, see figure I b (124).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Mann et al (6,119,096) in view of Official Notice.

As per **Claim 10**.

Mann et al ('096) discloses filling out forms on a computer and sending them to an agent of the government and routing the passenger according to a government or government agent, see column 5, lines 3-45, but does not specifically disclose filling out customs declaration forms.

Official Notice is taken that it is old and well known that any type of form can be filled out and sent. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to fill out a customs declaration form in Marjo's system for the benefit of increased speed of processing through the airport.

9. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Mann et al (6,119,096) in view of Diamond et al (6,698,653).

As per **Claim 11**.

Mann et al ('096) further discloses a tag with memory associated with the baggage, sending the data (tag with baggage) and routing the baggage, see column 17, lines 7-59, but does not disclose electronically inspecting luggage of the passenger, making a record of the electronic inspecting, entering the record into the computer memory, sending to the government or government agent, and routing the baggage in accordance with the government or government agent.

Diamond et al (653) teaches inspecting luggage of the passenger, making a record of the electronic inspecting, entering the record into the computer memory, sending to the government or government agent, and routing the baggage in accordance with the government or government agent, see figure 2 (22, 23), figure 6 (78, 79, 84) and figure 9 (134) for the benefit of monitoring that baggage contains no prohibited items and that passengers board the plane with their luggage.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to inspect baggage, enter records into a computer memory and send the data to an agent and route the baggage in accordance with the agent for the benefit of monitoring that baggage contains no prohibited items and that passengers board the plane with their baggage.

10. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Mann et al (6,119,096) in view of applicant's disclosure.

As per **Claim 14**.

Mann et al ('096) does not specifically disclose if no instruction is received from the government or government agent and the passenger is automatically required to process through customs Or immigration or both customs and immigration.

Applicant's application, page 1, lines 19-21 teaches that it is old and well known to automatically require the passenger to process through customs and immigration to control the flow of goods and people into a country.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to if no instruction is received from the government or government agent and the passenger is automatically required to process through customs or immigration or both customs and immigration to control the flow of goods and people into a country.

11. **Claims 23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese, III (6,044,353) in view of Mann et al (6,119,096) in view of Sweatte (6,335,688).

As per **Claim 23**.

Pugliese, III ('353) discloses a passenger, baggage, and baggage of the passenger, and information concerning the passenger and baggage, see abstract; gathering information and sending information concerning the passenger and baggage of the passenger, wherein the information concerning the passenger and the baggage of the passenger is automatically gathered and processed, see column 4, lines 16-35; sending the baggage through an electronic baggage inspection, sending the baggage to the second country, and routing the baggage to a location selected from the group consisting of customs, a baggage claim area, and a connecting flight of a passenger, see column 4, lines 36-52; sending the passenger from an origin to a destination, and sending the passenger to further processing selected from the group consisting of customs, immigration and no further processing, see column 4, line 65 - column 5, line 19.

Pugliese III ('353) does not specifically disclose gathering passenger information a first and second time and verifying the passenger's identity prior to departure, and sending the passenger from a first country to the second country, information sent to a

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government official of a second country and sending a passenger to further processing depending on the interest of a government official of the second country.

Mann et al ('096) teaches gathering passenger information, see column 5, lines 3-17 at ticketing time and verifying check-in time, boarding time, See column 17, lines 7-59 and at exit, see column 13, lines 42-44 from the system.

Sweatte ('688) teaches notification of immigration or customs, see abstract, for the benefit of letting airline and security personnel know when an unexpected or unwanted event or person is in the system to allow them to determine if they are interested in the passenger.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to check the passenger's identity multiple times, notify immigration or customs, as taught by Sweatte, for the benefit of letting airline and security personnel know when an unexpected or unwanted event or person is in the system.

As per Claim 24.

Pugliese, III ('353) further discloses scheduling travel of a passenger and transferring data concerning the passenger from a first computer memory to a second computer memory, see column 5, line 61 - column 6, line 14.

10. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese III (6,044,353) in view of Mann et al (6,119,096) in view of Sweatte (6,335,688)

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further in view of Official Notice.

As per **Claim 25**.

Pugliese III ('353) discloses filling out forms on a computer, see column 3, line 62 - column 4, but does not specifically disclose filling out customs declaration forms. Official Notice is taken that it is old and well known that any type of form can be filled out and sent, therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to fill out a customs declaration form in Pugliese III's system for the benefit of increased speed of processing through the airport.

12. **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese III (6,044,353) in view of Mann et al (6,119,096) in view of Sweatte (6,335,688) further in view of applicant's disclosure.

As per **Claim 26**.

Pugliese, III ('353) does not disclose the passenger proceeds to an immigration booth upon arrival in the second country to automatically verify his or her identification and to receive instructions for proceeding.

Sweatte ('688) teaches automatic verification of identification of persons arriving in a second country and notification of immigration or customs, see abstract, for the benefit of letting airline and security personnel know when an unexpected or unwanted

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event or person is in the system to allow them to determine if they are interested in the passenger.

Applicant's application, page 1, lines 19-21 teaches that it is old and well known to automatically require the passenger to process through customs and immigration to control the flow of goods and people into a country.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to if no instruction is received from the government or government agent and the passenger is automatically required to process through customs or immigration or both customs and immigration to control the flow of goods and people into a country.

Allowable Subject Matter

13. **Claim 4** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, specifically Marjo "Picking up the Pace. (Biometric technology in air travel)," Pugliese, III (6,044,353) in view of Sweatte (6,335,688) and Mann (6,119,096), does not disclose or fairly teach:
the second electronic image is recorded on an aircraft.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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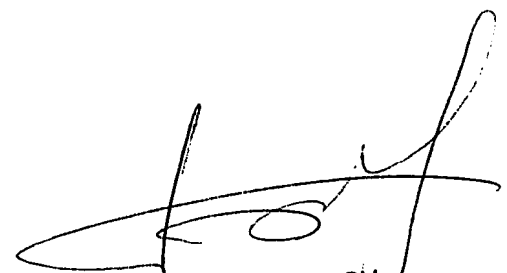
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Shannon S Saliard
Examiner
Art Unit 3628

SSS



IGOR N. BORISSOV
PRIMARY EXAMINER